

REMARKS

Initially, Applicant would like to thank the Examiner for the courtesies extended and time taken in the telephone call of August 13, 2003. In that interview, the Examiner explained the need for a further restriction of the above claims, and the reasons for such a restriction. Additionally, the form and substance of the remaining independent claims was discussed, and the need for clarification of the language of those claims was emphasized.

In response to the Examiner's telephone call, and in response to the latest Office Action, Applicant has amended the claims above to better clarify the invention, and to place the claims in condition for allowance. Specifically, Applicant has deleted former claims 1, 9, 10, 13 and 61, has added new Claims 74 and 75, and has amended the remaining claims to depend therefrom. As will be discussed below, the newly added independent claims, as well as current independent Claim 52, clearly and distinctly claim an invention that is not taught, disclosed or suggested by any of the prior art references cited by the Examiner, either alone or in combination with any other prior art reference.

The Examiner had previously rejected Claims 1, 9, 10, 13-17, 20, 26-42, 52 and 61 under 35 U.S.C. §103(a), based on the contention that they are unpatentable over U.S. Patent Nos. 4,175,704, issued to Cohen (Cohen), 4,312,347, issued to Magoon et al (Magoon), 5,700,245, issued to Sancoff et al (Sancoff), and 4,886,514, issued to Maget (Maget), in view of U.S. Patent No. 5,373,581, issued to Smith (Smith). Applicant respectfully traverses the Examiner's rejections. It appears that, perhaps, the Examiner's ongoing rejection of Claims 1, 52 and 61 was based in no small part on vague and indefinite language within those claims. Applicant has amended the claims, however, and now submits that these clarified claims are not anticipated nor made obvious by any of the references cited by the Examiner.

Specifically, Applicant has amended Claim 52, and added new independent Claims 74 and 75 to clarify the present invention. Each of these claims was clarified to state that the housing includes means for absorbing radiative heat from the surrounding environment, such as by absorbing radiation from the sun, and then translating that radiative heat into an increase in the temperature of the fluid within the housing, and an increase of the pressure within the housing. This temperature and pressure increase, in turn, delivers the fluid out of the housing and into the surrounding environment.

Such a device is not shown in any of the cited references. In fact, the Examiner relies solely on Smith to demonstrate a means for increasing temperature. Smith, however, solely discloses an electrical heater for increasing temperature. Smith relies solely on an electrical means for increasing temperature, and does not even suggest the use of solar heating for delivering a fluid. In fact, Smith actually teaches away from such an application, as Smith is directed solely towards an internal (within a car) application.

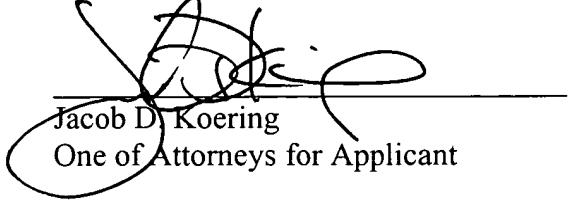
Based on the above, Applicant submits that none of the cited art discloses anything like independent Claims 52, 74 and 75, and thus those claims should now be in condition for allowance. Furthermore, the remaining claims in the application, namely Claims 14-17, 20, and 26-42, all depend from those independent claims, and should therefore also now be in condition for allowance. Therefore, reconsideration and passage to allowance of Claims 14-17, 20, 26-42, 52 and

Should anything further be required, a telephone call to the undersigned, at (312) 226-1818, is respectfully invited.

Respectfully submitted,

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Dated: September 9, 2003


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on September 9, 2003.

Jacob D. Koering

